IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4497 OF 2004

Sudhir Bhimrao Papadkar ..Applicant.

V/s.

The State of Maharashtra .. Respondent.

Manisha Patil for Applicant.
Shri V.B. Konde -Deshmukh, APP for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATED : 18.10.2004

PC :-

. Heard the learned counsel for the parties. Perused the record.

. The Applicant has been implicated in an offence registered with Bhayander Police Station, punishable under sections 467, 468,475, 420, 406, 408 r/w. 34 of I.P.C. alongwith two other accused. In so far as the Applicant is concerned, the role ascribed to him is that he had issued cheque book with a requsition slip. The presence of the present applicant is required, essentially, to take specimen of his hand writing and signature. If it is so, that can be obtained even if the applicant is not taken

into custody. Learned APP, however, submits that even other information will have to be elicited from the present applicant. However, it is to be seen that the prime accused, who had signed the cheques and withdrawn the amount has already been released on bail by the lower court. It is the case of the applicant that the applicant's officer, who is co-accused, has already been released on bail. Whereas the applicant is only a clerk, working in the concerned Bank. In the peculiar facts and circumstances of the case, the applicant deserves to be granted bail on the following conditions :-

> The Applicant be released on bail in connection with C.R.No.I-97/2004, registered with Bhyander Police Station, Thane on executing personal bond in the sum of Rs. 25,000/- (Rs. Twentyfive thousand only) with one or two local sureties in the like amount.
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> The Applicants shall regularly report to the concerned investigating officer from 20th October, 2004 till 25th October, 2004 between 10 a.m. to 12 p.m. and thereafter as and

when required by the investigating officer. Besides, the applicant shall report at the concerned police station once in a fortnight on Saturday between 10 a.m. to 12 p.m.

The applicant shall abide by the conditions as applicable under the provisions of section 438 (2) of the Code as applicable to the State of Maharashtra.

The Applicant shall extend full co-operation to the investigating agency from time to time. In case, the investigating agency is of the view that the applicant is not co-operating during the investigation, that can be a ground for cancellation of bail.

. Order accordingly.

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